

REMARKS

By the present amendment, claims 1, 8, 9 and 17 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In particular, independent claims 1 and 17 have been amended to incorporate the subject matter of claim 12 therein, and dependent claim 12 has been canceled. Entry of these amendments is respectfully requested.

In the Office Action, claims 17-20 were rejected under the second paragraph of 35 USC § 112 as being indefinite. In particular, two primary points of alleged indefiniteness were identified:

(A) The functional language of "placing a rare earth metal-based permanent magnet... in said treating vessel" allegedly lacked sufficient structure, and

(B) the specific conditions for the broad recitation of "sufficient to form said film layer on the metal surface of said magnet" should be specified.

Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

In response to this rejection, it is noted that portion (A) is the same as was asserted in the initial Office Action. This portion is not entirely understood as it is submitted that the noted recitation is not indefinite and sufficient structure is recited. The claim recites the step of "placing" (1) a rare earth metal-based permanent magnet and (2) a fine metal powder producing material into a treating vessel, and thereafter the step of "vibrating and/or agitating" both of (1) and (2) in said treating vessel. If it is not agreed that such recitations are sufficiently definite, further clarification is requested.

As to portion (B), it seems that the noted recitation is not necessary and thus claim 17 has been amended for additional clarity. In addition, claims 8 and 9 have been amended to provide proper antecedent basis for the recited resinous portion.

For the reasons set forth above, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

Claims 1-3, 5-8 and 17-20 were rejected under 35 USC § 102(b) as being anticipated by the patent to Mita et al. Additionally, dependent claims 4 and 9 were rejected under 35 USC § 103(a) as being unpatentable over the above patent to Mita et al in view of the Japanese patent publication to Takaguchi et al. In making the former rejection, it was asserted that the Mita et al patent teaches the entire rare earth metal-based permanent magnet as set forth in the noted claims. In making the latter rejection,

it was additionally asserted that the Takaguchi et al publication discloses a film layer on a permanent magnet having a low hardness metal plating layer. Reconsideration of these rejections in view of the above claim amendments and the following comments is respectfully requested.

As mentioned above, independent claims 1 and 17 have been amended to incorporate the subject matter of claim 12 therein, and dependent claim 12 has been canceled. Thus, it is submitted that the above rejections are now moot. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of claims 1-3, 5-8 and 17-20 as amended over the cited Mita et al patent and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 4 and 9 over the Mita et al patent and the Takaguchi et al publication are respectfully requested.

Claims 10-12 were rejected under 35 USC § 103(a) as being unpatentable over the above patent to Mita et al in view of the Japanese patent publication to Yoshimura et al. In making this rejection, apparently, it was asserted that the Mita et al patent teaches the claimed magnet for the reasons set forth in the initial rejection, except for the recited property of thickness of the film layer. Thereafter, the Yoshimura et al publication was cited specifically for teaching a film layer on a permanent magnet being relatively thin. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

From a careful review of the teachings of the Mita et al patent, it is submitted that the characterization of its teachings in the Action is not accurate. Specifically, it was alleged that the patent teaches a film layer "made of fine metal powder." It is submitted that the cited portion at column 16 of the Mita et al patent, while apparently teaching the formation of a metal layer on a permanent magnet, does not teach forming the layer from a "fine metal powder." Thus, the rejection as stated in the Action is based on a misstatement of the teachings of the cited patent.

Additionally, it is to be noted that the subject independent claims, as indicated above, have been amended to more particularly describe the particles of a fine metal powder. Specifically, the subject matter of claim 12 has been incorporated therein such that the claims now recite that particles of a fine metal powder forming the film layer on a metal surface of the magnet have a longer diameter in a range of 0.001 μm to 5 μm . It is submitted that the patent to Mita et al does not teach or suggest such a film layer of fine metal powder as presently claimed and thus the present article claims are distinguished over the teachings of the Mita et al patent.

It is submitted that the Yoshimura et al publication does not supply the teaching deficiencies of the Mita et al patent. The Yoshimura et al publication is directed to a R-Fe-

B permanent magnet having an electric insulating film allegedly excellent in adhesion, electric insulating properties, corrosion resistance, and heat resistance. The Yoshimura et al publication further discloses a base metallic film provided on the surface of the magnet, followed by a chromate treatment/film provided on the base metallic film, followed by a silane coupling agent and lastly a polyimide film provided on the outermost surface of the permanent magnet. The base metallic film apparently has a thickness of 1.0 μm to 10 μm .

Among other things, the Yoshimura et al publication does not teach or suggest a film layer made of a fine metal powder formed on a metal surface of the magnet. Further, the Yoshimura et al publication does not teach or suggest a film layer made of a fine metal powder of particles having a longer diameter in a range of 0.001 μm to 5 μm .

For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of independent claims 1 and 17, as amended, and the claims dependent thereon over the cited patent publications are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

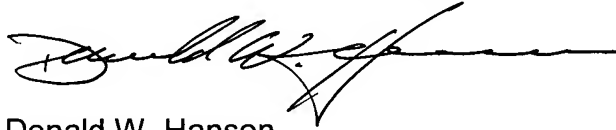
In the event this paper is not timely filed, the undersigned hereby petitions for an

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appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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